

REMARKS

Claims 47, 84-97, 125-128, 130-132, 134 and 135 are now pending in this application.

By this Amendment, claim 125 is amended and claim 129 is canceled.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments:

(a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; and (c) place the application in better form for appeal, should an appeal be necessary. The amendments merely incorporate the features of previous claim 129 into claim 125. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

Claim 125 is further amended herein to incorporate the features of previous claim 129. Based on the amendments made in the Amendment After Final Rejection filed November 23, 2004, and the additional amendments made herein, it is respectfully submitted that the rejection of claims 125-127 and 129-132 under 35 U.S.C. §103 over Torchio in view of Wolff should be reconsidered and withdrawn.

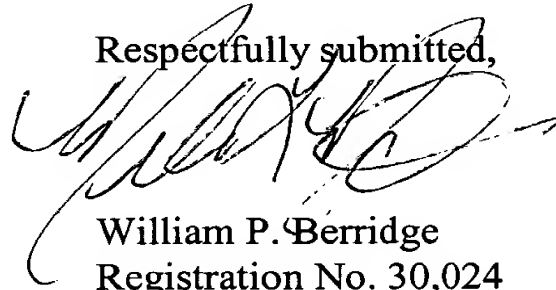
In particular, as discussed in the prior Amendment After Final Rejection, Torchio teaches a urethral prosthesis intended to be accommodated in the bulbo-membranous urethra at the level of a stenosis. As depicted in Figs. 6 and 10 of Torchio, the level of the stenosis is downstream of the sphincter. In contrast, the device of claim 125 contains a therapeutic agent, which causes reduction of an obstruction, upstream of the sphincter, and the retaining means downstream of the sphincter is not therapeutically active. Given the fact that Torchio is directed to treating a condition downstream of the sphincter, there would have been no motivation in Torchio or in Wolff to modify Torchio such that it contains a therapeutic agent upstream of the sphincter and has retaining means that is not therapeutically active

downstream of the sphincter. Thus, Torchio, as combined with Wolff, fails to teach or suggest all of the features of claim 125.

In view of the amendments and arguments presented herein and in the Amendment After Final Rejection filed November 23, 2004, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 47, 84-97, 125-128, 130-132, 134 and 135 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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Date: November 30, 2004

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